

United States Bankruptcy Court  
Middle District of Tennessee

In re:  
Capstone Pediatrics, PLLC  
Debtor

Case No. 19-01971-RSM  
Chapter 11

**CERTIFICATE OF NOTICE**

District/off: 0650-3

User: kmw2408  
Form ID: pdf001

Page 1 of 1  
Total Noticed: 2

Date Rcvd: Dec 31, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 02, 2020.

db +Capstone Pediatrics, PLLC, 1420 Donelson Pike Suite B17, Nashville, TN 37217-3015  
6875792 FOUR PLUS CORPORATION C/O 511 GROUP, 1850 NASHVILLE CITY CENTER,  
511 UNION ST NASHVILLE, TN 37219

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE.

TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jan 02, 2020

Signature: /s/Joseph Speetjens

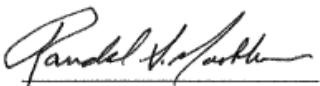
---

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 31, 2019 at the address(es) listed below:

BRUCE ANTHONY SAUNDERS on behalf of Interested Party Cigna Healthcare of Tennessee, Inc.  
tsaunders@wyattfirm.com  
BRUCE ANTHONY SAUNDERS on behalf of Interested Party Connecticut General Life Insurance  
Company tsaunders@wyattfirm.com  
BRUCE ANTHONY SAUNDERS on behalf of Interested Party HealthSpring Life and Health Insurance  
Company, Inc. tsaunders@wyattfirm.com  
DALTON M MOUNGER on behalf of Creditor A-Z Office Resource, Inc. dmounger@dmounger.com  
DANIEL HAYS PURYEAR on behalf of Creditor Newtek Small Business Finance, LLC  
dpuryear@puryearlawgroup.com, paralegalgroup@puryearlawgroup.com  
DANIEL HAYS PURYEAR on behalf of Creditor CDS Business Services, Inc. d/b/a Newtek Business  
Credit dpuryear@puryearlawgroup.com, paralegalgroup@puryearlawgroup.com  
DAVID W HOUSTON, IV on behalf of Debtor Capstone Pediatrics, PLLC dhouston@burr.com,  
mmayes@burr.com  
EMILY CAMPBELL TAUBE on behalf of Debtor Capstone Pediatrics, PLLC etaube@burr.com,  
mmayes@burr.com;sstarre@burr.com  
GREGORY S REYNOLDS on behalf of Creditor SNH Medical Office Properties Trust  
greynolds@rwjplc.com, kbarger@rwjplc.com;lnelson@rwjplc.com  
JOSHUA L BURGENER on behalf of Creditor ARHC GMCLKTN01, LLC jburgener@dickinsonwright.com,  
dsolis@dickinsonwright.com;ppardee@dickinsonwright.com  
MATTHEW RYAN GASKE on behalf of Creditor TN Dept of Revenue matthew.gaske@ag.tn.gov  
MICHAEL G ABELOW on behalf of Creditor SL Airpark, LLC mabelow@srvhrlaw.com,  
sdossey@srvhrlaw.com  
MICHAEL G ABELOW on behalf of Creditor SL Airpark II, LLC mabelow@srvhrlaw.com,  
sdossey@srvhrlaw.com  
MILTON S. MCGEE, III on behalf of Creditor SNH Medical Office Properties Trust  
tmcghee@rwjplc.com, dgibby@rwjplc.com  
NATALIE M. COX on behalf of U.S. Trustee US TRUSTEE natalie.cox@usdoj.gov  
R BURKE KEATY, II on behalf of Creditor LaVon House bkeaty@forthepeople.com,  
jkeaty@forthepeople.com;anosala@forthepeople.com  
RYAN K COCHRAN on behalf of Creditor Four Plus Corporation ryan.cochran@wallerlaw.com,  
chris.cronk@wallerlaw.com;Deborah.liles@wallerlaw.com  
SEAN CHARLES KIRK on behalf of Creditor Fairway-Galt, LLC skirk@bonelaw.com  
THOMAS WORMOUTH SHUMATE, IV on behalf of Creditor Meridian Law, PLLC  
tom.shumate@meridianlawllc.com  
US TRUSTEE ustpregion08.na.ecf@usdoj.gov  
WARD W BENSON on behalf of Creditor United States of America on behalf of the Internal  
Revenue Service ward.w.benson@usdoj.gov, Eastern.Taxcivil@usdoj.gov;james.j.wilkinson@usdoj.gov  
WILLIAM L NORTON, III on behalf of Creditor Athenahealth bnorton@babc.com

TOTAL: 22



Randal S. Mashburn  
U.S. Bankruptcy Judge

Dated: 12/31/2019



**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

In re: )  
 ) Case No: 3:19-bk-1971  
CAPSTONE PEDIATRICS, PLLC, ) Chapter 11  
 ) Judge Randal S. Mashburn  
Debtor. )

**THIRD AGREED ORDER AND STIPULATION EXTENDING THE TIME FOR THE  
DEBTOR TO ASSUME OR REJECT AN UNEXPIRED LEASE  
(SMYRNA LEASE)**

As evidenced by the signatures of counsel for the parties below, Capstone Pediatrics, LLC (“Debtor”) and Four Plus Corporation (“Landlord”) hereby agree and stipulate that the Debtor shall be entitled to an extension from December 31, 2019 to January 31, 2020, in which the Debtor may determine whether or not it will assume or reject the lease with the Landlord.

In support hereof, the parties stipulate, effective as of December 31, 2019, and have requested that the Court enter its order as follows:

- A. On March 28, 2019, the Debtor filed its Voluntary Petition for Relief under Chapter 11 of the Bankruptcy Code (the “Petition Date”).
- B. The Debtor and Landlord are parties to a Lease (the “Smyrna Lease”) of non-residential real property and improvements, located at 537 Stonecrest Pkwy., Suite 201, Smyrna, TN (“Premises”).
- C. The Debtor has not filed a motion to assume or reject the Smyrna Lease in this case.
- D. The initial deadline under 11 U.S.C. § 365(d)(4)(A)(i) for the Debtor’s assumption or rejection of the Smyrna Lease would expire on July 26, 2019.

E. The Debtor and the Landlord submitted and the Court entered the Second Agreed Order and Stipulation Extending the Time for the Debtor to Assume or Reject an Unexpired Lease entered October 29, 2019 (Doc. No. 165) that allowed the Debtor an additional time from October 24, 2019 to December 31, 2019, to make its determination of whether to assume or reject the Smyrna Lease.

F. The Debtor confirms its requirements under the Smyrna Lease to permit Landlord to show the Premises to prospective purchasers and tenants in accordance with sections 22. (c) and (d) of the Smyrna Lease and to pay Landlord all costs incurred by Landlord (including attorneys' fees and expenses) which as of November 30, 2019, total \$4,717.37, and which continue to accrue. Further Debtor agrees to provide the Landlord 30 days notice in the event the Debtor ultimately decides to reject the Smyrna Lease and vacate the Premises.

G. In accordance with 11 U.S.C. § 365(d)(3), the Debtor shall continue to timely perform all of its obligations under the Smyrna Lease until the Smyrna Lease is assumed or rejected.

H. The Premises are utilized for one of the Debtor's pediatric clinics and is vital to the Debtor's current operations.

AND it appearing to the Court that good and sufficient cause exists for the relief set forth herein and that, based on the parties' agreement as evidenced by the signatures below, no notice and hearing is required for the entry of this Order,

It is hereby ORDERED that:

1. Pursuant to 11 U.S.C. § 365(d)(4)(B)(i), the Debtor shall have until and including January 31, 2020, in which to file and serve a motion to assume or reject the Smyrna Lease; and

2. Any further extensions of the assumption-or-rejection deadline will only be granted with the Landlord's prior written consent and in compliance with 11 U.S.C. § 365(d)(4).

*This Order was signed and entered electronically as indicated at the top of the first page.*

APPROVED FOR ENTRY:

/s/ David W. Houston, IV  
David W. Houston, IV (20802)  
Emily Taube (019323)  
BURR & FORMAN LLP  
222 Second Avenue South, Suite 2000  
Nashville, Tennessee 37201  
Telephone: (615) 724-3215  
Facsimile: (615) 724-3315  
Email: [dhouston@burr.com](mailto:dhouston@burr.com); [etaube@burr.com](mailto:etaube@burr.com)  
*Attorney for Debtor Capstone Pediatrics, PLLC*

/s/ Ryan Cochran (w/permission)  
Ryan Cochran  
WALLER LANSDEN DORTCH & DAVIS, LLP  
511 Union Street, Suite 2700  
Nashville, Tennessee 37219  
Telephone: (615) 850-8778  
Facsimile: (615) 244-6804  
Email: [ryancochran@wallerlaw.com](mailto:ryancochran@wallerlaw.com)  
*Attorney for Landlord*